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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,165	09/26/2001	Olaf Vancura	2001/3	3934
23381	7590	01/27/2004		
DORR CARSON SLOAN & BIRNEY, PC 3010 EAST 6TH AVENUE DENVER, CO 80206				
			EXAMINER MENDOZA, ROBERT J	
			ART UNIT 3713	PAPER NUMBER 64
DATE MAILED: 01/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,165

Applicant(s)

VANCURA, OLAF

Examiner

Robert J Mendoza

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26, 29-33, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 27, 28 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-23, 29-31, 33 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Baerlocher et al (USPN 6,569,015).

Baerlocher, in col. 2:40-67 and col. 3:54-67, a method of controlling at least one aspect of play of a casino game of chance having a base game and a bonus game, the method comprising presenting to a player in a display of the casino game of chance, before play of the bonus game, a plurality of options of the bonus play, selecting by the player, at least one of the plurality of presented options, customizing the bonus game play according to the selected at least one presented option and playing game according to the customizing. Baerlocher, in col. 4:52-67, col. 5:1-67 and col. 6:1-25, discloses customizing all the bonus game play according to the selected at least one option, customizing only a subset of the bonus game play according to the selected at least one option, presenting and selecting occur before or during the play of the base game. Baerlocher, in col. 4:52-67, col. 5:1-67, col. 6:1-25 and col. 7:48-67, discloses the presenting and selecting occur after the play of the base game or upon entry into the bonus game. Baerlocher, in col. 4:52-67, col. 5:1-67, col. 6:1-25 and col. 7:48-67, discloses depicting a menu list of the options to the player. Baerlocher, in col. 4:52-67, col. 5:1-67, col. 6:1-25 and col. 7:48-

67, discloses randomly entering the bonus game from the base game and playing the bonus game according to the customizing. Baerlocher, in FIGS. 1-3, col. 4:52-67, col. 5:1-67, col. 6:1-25 and col. 7:48-67, discloses displaying the selected at least one presented option for the bonus game play to the player during the base game play.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-26, 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (USPN 6,569,015) in view of Trivial Pursuit Millennium Edition.

The disclosure of Baerlocher has been discussed above and is, therefore, incorporated herein. Baerlocher lacks in disclosing presenting trivia questions, permitting choices of trivia answers, choosing one of a plurality of categories for questions including the difficulty of the questions based on the player adeptness for answering trivia questions from the group of categories. Baerlocher lacks in disclosing changing symbols to be thematic with aspect of the game and wedges for the plurality of aspects. Yet, Trivial Pursuit Millennium Edition teaches presenting trivia questions (pg. 2:10-14), permitting trivia answers (pg. 7), choosing categories, pgs. 5 & 8, including difficulty of the questions based on the player adeptness for answering trivia questions from the group of categories, pg. 9. Trivial Pursuit Millennium Edition also teaches backgrounds appropriately change color for the question, wedges for the plurality of game aspects and a number of cute images and animations (pg. 3:1-10 & pg. 5-8). It would have

Art Unit: 3713

been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Trivial Pursuit Millennium Edition into the disclosed invention Baerlocher. One would be motivated to combine the teachings of Trivial Pursuit Millennium Edition with disclosure of Baerlocher in order to allow gaming players to intellectually engage themselves in a game of chance, as well as invoke more interaction between players and gaming machines.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 27, 28 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3713

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

RM
January 20, 2004


Teresa Walberg
Supervisory Patent Examiner
Group 3700